



February 14, 2014
Revised April 10, 2014

To: EPA FOIA Officer
Coast Guard FOIA Officer

Region 10 Administrator &
Alaska Regional Response Team Co Chairs

Re: FOIA Request-ARRT's Chemical Dispersant Plan Revision 2.0

Dear FOIA Officers, Mr. McLerran, Mr. Fields and Mr. Everett,

The Lawrence Anthony Earth Organization (LAEO) hereby requests pursuant to the Freedom of Information Act, FOIA, 5 USC 552, all documentation relating to past and ongoing activities concerning research, planning, development and public comment gathering actions associated with ARRT's Chemical Dispersants Plan Revision, as addressed in each of the specific Requests numbered 1 through 10 below.

LAEO formally requests a fee waiver of the search, processing and copy expenses related to this request, in accordance with the FOIA and [40 C.F.R. § 2.107](#). LAEO is a 501-c (3) non-profit organization which functions for public educational purposes, conservation, research and public benefit endeavors associated with environmental concerns. The goal of LAEO and this Request, is to assist and ensure public transparency of this ongoing dispersant plan revision process at issue in this Request, to gain more information for the general public as well as Tribal Councils, for member education and understanding of the planning and activities relating to the ARRT's RCP revisions of procedure and practice regarding chemical dispersant pre-authorization planning for Alaska

LAEO specifically requests the following information be provided:

1. Please provide a listing of internet links or copies of all scientific reviews, documentation, testing and or field trials which were done and or/reviewed as part of the work on the Alaskan Chemical Dispersant Plan Revision. This would include scientific documentation that proves the efficacy of chemical dispersants as an effective response tool in Alaskan Waters per the Clean Water Act's mandate to *remove* the toxic substance from the environment, not just sink it; as well as all records justifying the inclusion of their use in the Alaska Unified Plan, including all evidence in the possession of that chemical dispersants get results in below 40 degree water temperatures.

This Request number 1 specifically includes:

- a. Records relating to EPA or other-agency efficacy tests in relevant/similar environments to those areas in Alaska where proposed preauthorization dispersant usage has been designated.
 - b. Records relating to what dispersants have been identified as effective in waters below 40 degrees.
 - c. Records relating to what percentage of removal or mitigation of an oil spill is projected from proposed chemical dispersant use.
2. All documents that contain the names of the Science and Technology Committee members who participated in the dispersant plan revision, including documents that identify all persons who sat on the Science and Technology Committees and sub committees and work groups during the time period when discussion concerned chemical dispersants and Corexit.
3. Copies of any NRT, Coast Guard, DOI, NOAA or other interagency directives, emails or correspondence sent to ARRT co-chairs regarding chemical dispersant plan revision work, and/or containing key words Oil Spill Eater II, Bioremediation, Lawrence Anthony Earth Organization, Change Oil Spill Response Global Alliance/Alaska Delegation, Alaska Inter-Tribal Council and Tribal Engagement between the dates of April 2013 up to present.

4. All national level HQ directives either hard copy or by email sent to or received by ARRT co-chairs from EPA, Coast Guard and/or NOAA on the subject of chemical dispersant policy for Alaska
5. All inventory lists of tracking documentation used for the Alaska Unified Plan which show in what volume, what brands, and in what locations chemical dispersants are currently stockpiled for deployment in the event of an oil spill in Alaska.
6. All records of public comments made during the general public meetings held between November 13-22, 2013 re AART's chemical dispersant plan revision.

Tribal Engagement Section– FOIA Request

The ARRT website states the following:

The Alaska Regional Response Team (ARRT) has invited the 80 plus tribal governments within the five sub area planning regions (Prince William Sound, Bristol Bay, Kodiak, Cook Inlet, and the Aleutians) to participation in consultation and coordination process under Executive Order 13175. These meetings were kicked off with information exchange opportunities for tribal government leaders or their authorized representatives in King Salmon, Anchorage, Kodiak, Valdez and Unalaska. The meeting schedule is below. There will be additional opportunities for tribal governments to engage with the ARRT through consultation during the BIA Provider's conference as well as the Alaska Forum on the Environment. Additionally, there will be a meeting with the Alaska Native Claims Settlement Act (ANCSA) regional and village corporations within the 5 planning areas in Anchorage. These meetings are not public meetings and therefore their agendas have not been posted to this website. For additional information regarding tribal government or ANCSA Corporation consultation and coordination please contact LT James Nunez at James.D.Nunez@uscg.mil.

7. Please provide records and mailing lists identifying to whom in the 80 Tribes were sent notification to participate in the consultation and coordination regarding AART's chemical dispersant plan revision.
8. Please provide all records indicating what Tribes or their representatives actually received the notification and responded, and all records relating to such notification, including any logs, or other documentation records of this notification and receipt.

9. All records identifying what Tribes have requested to engage in government to government consultation meetings re AART's chemical dispersant plan revision.
 10. All records of the public comments made during the Tribal engagement and/or during consultation meetings as well as minutes/public comments at ANCSA meetings regarding AART's chemical dispersant plan revision.
-

ADDITIONAL INFORMATION IN SUPPORT OF FEE WAIVER

While LAEO does not represent Tribal Governments, we are nevertheless concerned about how ARRT's plan for expanding and re-defining pre-authorization zones for chemical dispersant use as part of Alaska Unified Plan will impact the many diverse peoples, cultures and environments of Alaska.

LAEO is opposed to the use of chemical dispersants in the world's oceans, and efforts by the NRT, EPA, Coast Guard, and other RRT members in Alaska to put in place a dispersants pre-authorization plan which may mirror the very same NCP/RCP plan that failed to remove spilled oil during and after the 2010 BP Oil Spill in the Gulf of Mexico and earlier during the Exxon Valdez spill.

LAEO is also a member of the Change Oil Spill Response Global Alliance Alaskan Delegation which has made numerous submissions and requests as well as forwarded recommendations to the ARRT regarding how to overcome broad public opposition to their dispersants plan.

We appreciate expedited attention to this matter.

Sincerely Yours,

Diane Wagenbrenner
VP Operations & Public Information
Lawrence Anthony Earth Organization
email: dianeearthorg@att.net
Ph: 858-531-6200

CC: Gina McCarthy, EPA Administrator
CC: Avi Garbo, EPA General Counsel
CC: Dennis McLerran, EPA, Region 10 Regional Administrator
CC: Allyn Stern, EPA, Region 10, Regional Counsel
CC: NRT Chairman Dana Tulis
CC: EPA Environmental Justice Chairman
CC: Key Senators Alaska, Washington, Oregon, California